



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
JUNE 1, 2015**

The Special meeting Questions to Directors of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, June 1, 2015 at 6 p.m.

Present:

Majority Leader Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah A. Kleckowski, Councilman David Bauer; Sergeant-at-arms Police Chief William McKenna and Council Clerk Marie O. Norwood.

Absent:

Mayor Daniel T. Drew, Corporation Counsel Daniel B. Ryan, Councilman Robert P. Santangelo, and Councilman James B. Streeto

Also Present:

William Russo, Director of Public Works, Guy Russo, Director Water and Sewer, Carl Erlacher, Director of Finance, Eldon Bailey, Acting IT Director, Geen Thazhampallath Parking Director, Brig Smith General Counsel, William McKenna Chief of Police, Deb Stanley Acting Recreation and Community Services Director, Way Bartolotta Communications Director, Michiel Wackers, Planning Conservation, and Development Director, Faith Jackson, Human Relations Director, Stephan Allison, Arts Coordinator, Linda Bettencourt, City and Town Clerk, George Dunn, Emergency Management Director, Arthur Meyers, Director of Russell Library, Justin Carbonella, Youth Services Coordinator, Joseph Havlicek, Health Director, Kathy Morey, Human Resources and 15 members of the public.

1. Mayor calls meeting to order at 6 p.m.

(Pledge of Allegiance)

The acting chair leads the public in the pledge of allegiance.

(Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)

The acting chair declares the call a legal call and the meeting a legal meeting. Councilman Serra for the public, the reason he is chairing the meeting is that Mayor Drew is with his wife at a ceremony and Deputy Mayor is mandated and has to work.

2. Questions to Directors Opens

The acting chair opens the questions to directors at 6:02 p.m. and recognizes Councilman Bauer.

Councilman Bauer calls for Michiel Wackers, Director of Planning. Councilman Bauer states your memo increases the number of parking spaces and increases project costs

Noted for the Record:

Councilman Daley takes his seat in the chamber at 6:03 p.m.

Councilman Bauer states this is a residential area and there are a number of steps to be taken and if there is push back and the neighborhood is against it, is there any ability or how would you describe going ahead and acquiring the property. Can we back away from that and sell it if we run into opposition of the project. Mr. Wackers states the first step is not to acquire it but the last step. He outlined five items to close on the property. The first is the council to approve entering into negotiations. The Finance and Government wanted an appraisal on the agreed sale price and the council would need a report from Planning and Zoning and it would be a special exception and that has to happen prior to closing. There will be public hearings to see the plan. At that point we would know the pulse of the neighborhood and then you would receive an appropriation and a resolution authorizing the Mayor to sign a contract. The property is a short sale in that the bank holds a mortgage way above the worth and the bank would have to agree to

it. That is why there are so many steps. Councilman Bauer wanted to get a sense of the neighborhood and school accepting it should the conditions should be met and if it isn't going right, we have the ability to turn it back to the general public. Mr. Wackers responds his assumption is you will have a pretty good sense with the P and Z special exception and that would happen before the council approves this. Councilman Bauer states a resolution was made at Finance for the Reno Property. Mr. Wackers states he did hear that and they placed it on the next zoning committee agenda so the first step is that it has to be deemed surplus and at that point they can follow the procedure.

Councilwoman Kasper asks for General Counsel.

The Acting Chair asks if there are questions for Mr. Wackers. Councilman Giuliano states he doesn't think buying property adjacent to a school isn't a bad idea. Is it carved in stone. Mr. Wackers states they have not talked with the owner; they are taking the pulse of the property owners. Councilman Giuliano states they should look at the Farm Hill School site and the parking and playground don't look efficiently placed and could they look at a more comprehensive design. Mr. Wackers states they have been looking at parking for the site and they are looking at a lot of site work and if you look at the school and this property, he could get cost efficiencies with a better layout but he has not had the opportunity to do that. Your approach has to be explored.

Councilman Daley asks how much justification has the Board provided as to why they need this and other plans for the site. There was discussion about doing something in front of the school with the Triangle that the City owns and if you factor in the costs, it is not inexpensive for parking. This is expensive. What has the board shown why they need this lot. Mr. Wackers states the only testimony is from Finance and Government where Judy Yoder said it is in short supply and there are frequent issues and safety concerns in front of the building. Councilwoman Kasper states we asked them about redistricting which may reduce parking requirements. Acting Chair asks was this requested by the Board. Mr. Wackers states he only had discussions with the Superintendent and their facilities people. He understands they are aware of the situation. They want to add more to the back and will keep it in front. The Acting Chair asks if Public Works thinks it is a safety issue and it is a capital improvement. William Russo, Director of Public Works states with his meeting, they have 30 parking spaces and have over 70 staff. They use Ridge Road. They want a loop for the bus in front of the school. Everything they have told us, it is parking for 1/2 of the staff. The Council appropriated \$50,000 to redesign the front loop. Geen Thazhampallath states six months ago we were going to do greater enforcement of Peck Road; people thought they could not get out of their driveways and enforcement was needed. There is signage that there is no parking on that side of the street. It is a heavy walking school and a major issue is when there are school events that is the greatest time for crunch.

Noted for the Record:

Councilman Faulkner takes his seat in the chamber at 6:17 p.m.

Mr. Thazhampallath states the road is relatively narrow and you couldn't get a fire truck down the street. Acting Chair states the Board requested it of you and will they take it up and do it as all capital improvements on the City side. Mr. Wackers replies he was asked to bring it to the Council and he doesn't know when the Board would bring it up. They want to see if it is feasible. Acting Chair asks if the Police have input if it is a safety issue. Chief McKenna states for about a year they have been involved with the parking and more specifically with the design of the bus circle. Sgt. Godwin and Aresco were out on Peck Rad with concerns about the parking. It is staff parking in the residential area. The purchase is new to me, but it has been a hot topic for traffic enforcement.

Councilwoman Kleckowski asks how long it has been an issue. Chief McKenna states more like two years. Councilwoman Kleckowski if this is a big issue, why are they coming here now. Chief McKenna states he thought the front turn around would be a package because security is not the best. They want the front door and not the rear door. Councilwoman Kleckowski asks if that is a continued issue or due to overcrowding. Mr. Thazhampallath states we have been working on this and they have signage and yellow curbs and during the day, there is parking with people and the way driveways were made, they were having problems turning out of their driveways. It has existed for some time. Councilwoman Kleckowski asks where the cars are parking. Mr. Thazhampallath states they have shuffled back into the parking lot and it has raised issues to the principal.

Noted for the Record:

Councilwoman Bartolotta takes her seat in the chamber at 6:23 p.m.

Mr. Thazhampallath states the piece that is missing is that the people living near the school and if approached with a plan would be open to it. They were not trying to squeeze the school. What he proposes is a conversation with the neighborhood.

Councilwoman Kasper asks if there is any City parking we are building close to the school. Mr. Thazhampallath states it is all residential. We own just the school parcel. Mr. Wackers responds there is a parcel to the east going down the hill and he doesn't know how large it is and poses the same problems. In terms of the timing, the property is listed and the superintendent thought it was an opportunity. Mr. Wackers states it is very small and would not accommodate what they

have designed. Councilwoman Kasper would like that looked at. Acting Chair states with all the parking problems, the walkers, is there a problem with their safety with the parking on the Street. Mr. Wackers states it depends where they are crossing the street. Ridge Road is wider than most residential streets and the concern is where they are crossing.

Councilwoman Kasper asks for General Counsel. Brig Smith comes forward. She states she spoke to someone on the issue regarding the change in the Firefighter's job description and it is in the collective bargaining agreement and she had asked whether or not our actions can change that and that is under MERA Section 78-24f that says charter is trumped by the collective bargaining agreement and she did get another example. She doesn't understand why this wouldn't be the case; why isn't collective bargaining supreme. It should come in the form of an MOU instead of coming to the Council for a job description change. Who, since they are designated first responders and we don't have enough certified EMTs how will we handle certain situations. Attorney Smith states Councilwoman Kasper talks about MERA and where there is a conflict between the city and union in any charter special act or rules and regulations conflict, then the agreement shall prevail. The first is article 31, section 5 and he reads it. The question is the job description that would make a change from certification at the time of application to certification within one year of hire does it conflict with the collective bargaining agreement. The three things they concluded, if it is a conflict, the ability is for the Union to raise it and they find it is not a conflict. In this case, there is no conflict. Councilwoman Kasper asks if it is in writing. Her concern is that some are going to say the pay scale is the same and they have a year and 1/2 to do this, there could be a problem. The second thing is the language is the cost of certification is born by the City and would not make sense. They shall be certified and they do when they go to the Fire School and if things are capable of two meanings, then you look at past practice and going back to 1987 it says they shall be. Acting Chair shouldn't it be easy by getting an MOU. If in fact the Union does agree, why not do it. Attorney Smith replies we have not done it with an MOU to change a job description.

Point of Personal Privilege

Councilman Daley asks for a point of personal privilege. He states Attorney Smith answered the question; there does not appear to be a conflict between the action to change the job description and the bargaining agreement. I think it would be a bad precedent to establish an MOU to modify a job description. The most would be impact bargaining with a change in the pay grade. It might be helpful to give the Fire Chief the ability to explain why he recommends the change. Councilwoman Kasper would still want an answer.

Fire Chief Kronenberger comes forward. Councilwoman Kasper states she understands changing this; how will you handle situations where all EMT personal are out and police the situations where an EMT would not be available. Chief Kronenberger states it is no different than how they operated in 2012. Unlike the Police, we never work on our own and always in teams and two uncertified individuals would never work as a team, and at this point every member is an EMT and to have the possibility for someone to be in that situation would be rare. They would call in additional companies and by removing the stipulation of EMT on application, we have the ability to open doors for Middletown residents and a larger pool. Councilwoman Kasper states after a year and a half what happens if they don't pass the test. Chief Kronenberger states they have extended to 2-1/2 years. We train them to the way we operate and it isn't a bad way.

Councilwoman Russo Driska asks about the \$140,000 request which covers 5 different areas. Chief Kronenberger asks if it is going to be referred and Councilwoman Driska states it is but it is on the agenda so she can ask the questions. She asks where they are short. Chief Kronenberger explains where the shortages are occurring. Councilwoman Russo Driska asks about the sale of the fire truck; Kronenberger states it will go back to fund balance. Councilman Chisem asks if the last item is uniforms. Chief Kronenberger responds yes, and it is contractual.

Councilman Bauer asks General Counsel about changes to the Personnel Rules. The resolution states there is no fiscal impact and it is difficult to expect with such a revamp that there is no fiscal impact. Attorney Smith states anything we do if extended will have a fiscal impact and it was to avoid having a fiscal impact and it would not discuss wages and salaries. The intent was to codify law under FLMA and to tweak it. Councilman Bauer states the way Councilwoman Kasper tried to get some history on the Union's agreement on the firefighter job description, what discussion do you have on the Personnel Rules. Attorney Smith responds it was to clean up language that might conflict with the CBAs. It should address the processes of the non-bargaining employees. It was to clean up potential conflict and cover jobs not covered by CBAs.

Councilwoman Kleckowski asks for Fire Chief and Personnel Director. She comments because the union could make a big deal of this but chooses not to. If this goes through and she is not opposed to hiring without EMT and earning it, but her concern is firefighters making the same amount as those with the certification and will they increase the salary of those that have EMT certification. She understood that it would be completed within 18 months. Chief Kronenberger states they get one full year after the training class and if they don't pass certification, they extend it for one year. Councilwoman Kleckowski asks how long can certification be extended. Chief Kronenberger states it would be 12 months. Councilwoman Kleckowski is asking about the pay differential. Chief Kronenberger states that was not discussed with the Union. Councilwoman Kleckowski states it would be an issue for me and it might warrant going back to the Union so it won't be a difficulty.

Councilman Giuliano asks if that could be made by firefighters with EMT, that those without are making the same amount and make a grievance. Attorney Smith states they could make it and they would have to address it. Councilman Giuliano states by making it we could be causing a grievance. Attorney Smith states it could be a grievance if this change is not made.

Councilman Daley states it is not an automatic distinction. If a firefighter you had is showing he is not suited for the job, you would let him go. As far as the pay issue, is the difference only operative because of the EMT certification or is the existing person would have to go to the Fire Academy and is not certified as a firefighter and the completion of that, they come out as a Firefighter II. So they are not the same as a volunteer firefighter. They start out at the starting rate. When is the first move in step. Chief Kronenberger states the first year.

Councilman Chisem asks for General Counsel asks do we generally talk to the Union before we change the job description. Attorney Smith responds usually no and not in the context of the job description.

3. Questions to Directors Closes.

Acting Chair closes the questions to directors and asks for a motion to adjourn.

4. Meeting adjourned.

Councilman Faulkner moves to adjourn the meeting and is seconded by Councilman Chisem. The acting chair calls for the vote and it is unanimous to approve with nine aye votes. The Chair declares the meeting adjourned at 6:52 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK